

REMARKS

Claims 1, 10, 11 and 15 have been amended. The specification has been amended at page 12. These amendments have been made to place them in better form for examination and to further obviate the 35 U.S.C. §112 rejections as set forth in the Office Action dated November 19, 2002. It is believed none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections are requested.

The Examiner has rejected claims 1 and 10 and dependent claims 2-9 and 11-18 under 35 U.S.C. §112, second paragraph. Applicant has amended claim 1 as suggested by the Examiner and amended the specification at page 12 to clarify the deposit information.

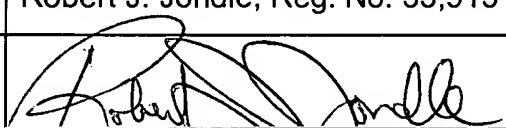
Claim 10 is rejected as being unclear. Applicant has amended claim 10. Withdrawal of these rejections is respectfully requested.

The Examiner has rejected claims 8, 9, 11-18 and dependent claim 10 under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant submits that a skilled plant breeder can easily cross the instant invention with any other potato plant and therefore is in possession of the claimed invention at the time of filing. Withdrawal of this rejection is respectfully requested.

Claims 10, 11 and 15, and dependent claims 12-14, 16 and 17 are rejected under 35 U.S.C. §112, first paragraph for enablement. Applicant has amended claims 10, 11 and 15 as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. §112 and is not obvious over the prior art. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
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Attachments: Marked-Up Copies of Amendments



MARKED UP COPY OF CLAIMS

Please amend claims 1, 10, 11 and 15 as shown below:

1. (Twice Amended) A potato tuber designated FL1879, wherein a sample of ~~regenerable cells~~ microtubers has been deposited under ATCC Accession No. _____.

10. (Twice Amended) A potato plant regenerated from the tissue culture of FL1879 and ~~wherein said regenerated plant has the plant of claim 9 said plant having all of the~~ physiological and morphological characteristics of a potato plant having ATCC Accession No. _____.

11. (Twice Amended) A method for producing a an F1 hybrid potato seed comprising crossing a first potato plant with a second potato plant and harvesting the resultant F1 hybrid potato seed, wherein said first or second potato plant or both said first and second potato plant is the potato plant of claim 2.

15. (Amended) A method for producing a an F1 hybrid potato seed comprising crossing a first potato plant with a second potato plant and harvesting the resultant F1 hybrid potato seed, wherein said first or second parent potato plant is the potato plant ~~of claim 9~~ 'FL1879'.

MARKED UP COPY OF SPECIFICATION

Please amend the first paragraph on page 12 as follows:

A deposit of the potato variety, FL1879, ~~tissue~~ microtuber is maintained by Frito-Lay, Inc., at the Research Facility in Rhinelander, Wisconsin and University of Wisconsin, Biotron Facility in Madison, Wisconsin. Access to this deposit will be available during the pendency of this application to persons determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 CFR 1.14 and 35 USC 122. Upon allowance of any claims in this application, all restrictions on the availability to the public of the variety will be irrevocably removed by affording access to a deposit of at least 25 vials of ~~germplasm~~ microtubers of the same variety with the American Type Culture Collection, Manassas, Virginia, or another acceptable depository.